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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

June 8, 2018

Paul Kaplan, CEO
Kenneth Keefe, President
Kevin McMullen, Yard Manager
Janis Johnson, SHE Coordinator
Bob Hennessey, Project Manager
Keefe Kaplan Maritime, Inc.
530 W. Cutting Blvd.
Richmond, CA 94804

Paul Kaplan
Agent for Service of Process
Keefe Kaplan, Maritime, Inc.
530 W. Cutting Blvd.
Richmond, CA 94804

Re: Notice of Violations and Intent to File Suit under the Federal Water Pollution Control Act

Dear Messrs. Kaplan, Keefe, McMullen, and Hennessey, and Ms. Johnson:

I am writing on behalf of the California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act (the "Act") that CSPA believes are occurring at the Keefe Kaplan Maritime, Inc. - Point Richmond industrial facility located at 530 West Cutting Blvd. in Point Richmond, California (the "Facility"). This letter is being sent to Keefe Kaplan Maritime, Inc., Paul Kaplan, Kenneth Keefe, Janis Johnson, and Bob Hennessey as the responsible owners or operators of the Facility (all recipients are hereinafter referred to as "KKMI").

This letter addresses KKMI's unlawful discharge of pollutants from the Facility into the Santa Fe Channel. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 97-03-DWQ ("1997 Permit") as renewed by Order No. 2015-0057-DWQ ("2015 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit maintains or makes more stringent the same requirements as the 1997 Permit. As appropriate, CSPA refers to the 1997 and 2015 Permits in this letter collectively as the "General Permit." This letter notifies KKMI of ongoing violations of the substantive and procedural requirements of the General Permit at the Facility.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, CSPA hereby places KKMI on formal notice that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against KKMI under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

A. The Facility.

On September 1, 1998, KKMI filed its Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI"). On May 26, 2015, KKMI filed an updated NOI under the 2015 General Permit. The Waste Discharger Identification Number ("WDID") for the Facility listed on documents submitted to the California Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board") and the State Board is 2 07I014565. KKMI certifies that the Facility is classified under SIC code 3732 ("boat building and repairing"). The Facility collects and discharges storm water from its 4-acre industrial site into at least two storm water discharge locations at the Facility. Based on information and belief, the storm water discharged by KKMI is discharged to Santa Fe Channel, which then connects to the San Francisco Bay.

B. Water Quality Standards, Guidelines, and Numeric Action Levels.

The Regional Board has identified beneficial uses of the San Francisco Bay region's waters and established water quality standards for the Richmond Inner Harbor and the San Francisco Bay in the "Water Quality Control Plan for the San Francisco Bay Basin," generally referred to as the "Basin Plan." *See* http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml. The beneficial uses of these waters include commercial and sportfishing, estuarine habitat, industrial service supply, fish migration, navigation, preservation of rare and endangered species, water contact recreation, noncontact water recreation, shellfish harvesting, fish spawning, industrial process supply, and wildlife habitat. The noncontact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities. Water quality considerations relevant to non-contact water recreation, such as hiking, camping, or boating, and those activities related to tide pool or other nature studies require protection of

habitats and aesthetic features." *Id.* at 2.1.16. Contact recreation includes swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs. *Id.* at 2.1.15.

The Basin Plan establishes water quality standards for Richmond Inner Harbor and San Francisco Bay. The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are lethal or that produce other detrimental responses in aquatic organisms." *Id.* at 3.3.18. The Basin Plan provides that "[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use." *Id.* at 3.3.21. The Basin Plan provides that "[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3.3.14. The Basin Plan provides that "[t]he suspended sediment load and suspended sediment discharge rate of surface waters shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses." *Id.* at 3.3.12. The Basin Plan provides that "[w]aters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3.3.6. The Basin Plan provides that the "pH shall not be depressed below 6.5 nor raised above 8.5." *Id.* at 3.3.9. The Basin Plain has a narrative oil and grease standard that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses." *Id.* at 3.3.7. The Basin Plan provides a dissolved oxygen objective of 5.0 mg/L for waters designated as warm water habitat, and 7.0 mg/L for designated as cold water habitat. *Id.* at 3.3.5.

The Basin Plan establishes Marine Water Quality Objectives for copper of 0.0031 mg/L (4-day average ["4-DA"]) and 0.0048 mg/L (1-hour average ["1-HA"]); and for zinc of 0.081 mg/L (4-DA) and 0.090 mg/L (1-HA). *Id.* at 3.3.21 at Table 3-3.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable ("BAT") and best conventional pollutant control technology ("BCT").[1] The following benchmarks have been established for pollutants discharged by KKMI: iron – 1.0 mg/L; zinc – 0.26 mg/L; and copper – 0.0636 mg/L.

These benchmarks are reflected in the 2015 Permit in the form of Numeric Action Levels ("NALs"). The 2015 Permit incorporates annual NALs, which reflect the 2008 EPA Multi-Sector General Permit benchmark values, and instantaneous maximum NALs, which are derived from a Water Board dataset. The following annual NALs have been established under the 2015 Permit: TSS – 100 mg/L; O&G – 15 mg/L; aluminum – 0.75 mg/L; iron – 1.0 mg/L; zinc – 0.26 mg/L; lead – 0.262 mg/L; copper – 0.0332 mg/L; and COD – 120 mg/L. The 2015 Permit also establishes the following instantaneous maximum NALs: pH – 6.0 - 9.0 s.u.; TSS – 400 mg/L; and O&G – 25 mg/L.

[1] The Benchmark Values can be found at http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

II. Alleged Violations of the General Permit.

A. Discharges in Violation of the Permit.

KKMI has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. The 2015 Permit includes the same effluent limitation. *See* 2015 Permit, Effluent Limitation V(A). BAT and BCT include both nonstructural and structural measures. 1997 Permit, Section A(8); 2015 Permit, Section X(H). Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the 1997 Permit and Discharge Prohibition III(B) of the 2015 Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the 1997 Permit and Discharge Prohibition III(C) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water Limitation VI(B) of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) and Discharge Prohibition III(D) of the 2015 Permit also prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water Limitation VI(A) of the 2015 Permit. As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

KKMI has discharged and continues to discharge storm water with unacceptable levels of copper, iron, and zinc in violation of the General Permit. KKMI's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the General Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained measurements of pollutants in excess of the applicable numerical water quality standards. They have thus violated

Discharge Prohibitions A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit, and Effluent Limitation V(A) of the 2015 Permit.

Sampling / Observation Date	Parameter	Observed Concentration / Conditions	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
3/1/2018	Copper	0.93 mg/L	0.0048 mg/L (1-HA)	Location A
3/1/2018	Copper	1.1 mg/L	0.0048 mg/L (1-HA)	Location B
1/8/2018	Copper	1.2 mg/L	0.0048 mg/L (1-HA)	Location A
1/8/2018	Copper	0.54 mg/L	0.0048 mg/L (1-HA)	Location B
1/18/2017	Copper	5.5 mg/L	0.0048 mg/L (1-HA)	Location A
1/18/2017	Copper	1.6 mg/L	0.0048 mg/L (1-HA)	Location B
12/15/2017	Copper	0.016 mg/L	0.0048 mg/L (1-HA)	Location A
12/8/2016	Copper	0.48 mg/L	0.0048 mg/L (1-HA)	Location A
12/8/2016	Copper	0.48 mg/L	0.0048 mg/L (1-HA)	Location B
3/4/2016	Copper	2.1 mg/L	0.0048 mg/L (1-HA)	Location A
3/4/2016	Copper	1.4 mg/L	0.0048 mg/L (1-HA)	Location B
1/29/2016	Copper	2.3 mg/L	0.0048 mg/L (1-HA)	Location A
1/29/2016	Copper	2.4 mg/L	0.0048 mg/L (1-HA)	Location B
11/9/2015	Copper	1.6 mg/L	0.0048 mg/L (1-HA)	Location A
11/9/2015	Copper	3.7 mg/L	0.0048 mg/L (1-HA)	Location B
11/2/2015	Copper	1.9 mg/L	0.0048 mg/L (1-HA)	Location A
11/2/2015	Copper	3.5 mg/L	0.0048 mg/L (1-HA)	Location B
2/6/2015	Copper	2.5 mg/L	0.0048 mg/L (1-HA)	Drainage #4 Eastern Operational Area
2/6/2015	Copper	2.2 mg/L	0.0048 mg/L (1-HA)	Drainage #2 Future Wash Pad
2/6/2015	Copper	1.9 mg/L	0.0048 mg/L (1-HA)	Drainage #3 Main Operational Area
10/31/2014	Copper	3.2 mg/L	0.0048 mg/L (1-HA)	Drainage #4 Eastern Operational Area
10/31/2014	Copper	1.5 mg/L	0.0048 mg/L (1-HA)	#1
10/31/2014	Copper	2.6 mg/L	0.0048 mg/L (1-HA)	Drainage #2 Future Wash Pad
10/31/2014	Copper	1.8 mg/L	0.0048 mg/L (1-HA)	Drainage #3 Main Operational Area
3/1/2018	Zinc	0.35 mg/L	0.09 mg/L (1-HA)	Location A
3/1/2018	Zinc	0.45 mg/L	0.09 mg/L (1-HA)	Location B
1/8/2018	Zinc	0.45 mg/L	0.09 mg/L (1-HA)	Location A

1/8/2018	Zinc	0.35 mg/L	0.09 mg/L (1-HA)	Location B
1/18/2017	Zinc	2.3 mg/L	0.09 mg/L (1-HA)	Location A
1/18/2017	Zinc	0.53 mg/L	0.09 mg/L (1-HA)	Location B
12/15/2017	Zinc	0.8 mg/L	0.09 mg/L (1-HA)	Location A
12/15/2017	Zinc	0.2 mg/L	0.09 mg/L (1-HA)	Location B
12/8/2016	Zinc	0.64 mg/L	0.09 mg/L (1-HA)	Location A
12/8/2016	Zinc	0.44 mg/L	0.09 mg/L (1-HA)	Location B
3/4/2016	Zinc	0.59 mg/L	0.09 mg/L (1-HA)	Location A
3/4/2016	Zinc	0.68 mg/L	0.09 mg/L (1-HA)	Location B
1/29/2016	Zinc	1 mg/L	0.09 mg/L (1-HA)	Location A
1/29/2016	Zinc	0.78 mg/L	0.09 mg/L (1-HA)	Location B
11/9/2015	Zinc	0.63 mg/L	0.09 mg/L (1-HA)	Location A
11/9/2015	Zinc	1.3 mg/L	0.09 mg/L (1-HA)	Location B
11/2/2015	Zinc	0.63 mg/L	0.09 mg/L (1-HA)	Location A
11/2/2015	Zinc	1 mg/L	0.09 mg/L (1-HA)	Location B
2/6/2015	Zinc	1.6 mg/L	0.09 mg/L (1-HA)	Drainage #4 Eastern Operational Area
2/6/2015	Zinc	0.4 mg/L	0.09 mg/L (1-HA)	#1
2/6/2015	Zinc	0.86 mg/L	0.09 mg/L (1-HA)	Drainage #2 Future Wash Pad
2/6/2015	Zinc	0.92 mg/L	0.09 mg/L (1-HA)	Drainage #3 Main Operational Area
10/31/2014	Zinc	1.2 mg/L	0.09 mg/L (1-HA)	Drainage #4 Eastern Operational Area
10/31/2014	Zinc	0.23 mg/L	0.09 mg/L (1-HA)	#1
10/31/2014	Zinc	0.89 mg/L	0.09 mg/L (1-HA)	Drainage #2 Future Wash Pad
10/31/2014	Zinc	0.63 mg/L	0.09 mg/L (1-HA)	Drainage #3 Main Operational Area

The information in the above table reflects data gathered from KKMI's self-monitoring during the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 wet seasons/reporting years. CSPA alleges that since at least June 8, 2013, and continuing through the date of this notice, KKMI has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Copper – 0.0048 mg/L (Marine Water Quality Objective, 1-hour average)
- Zinc – 0.09 mg/L (Marine Water Quality Objective, 1-hour average)

The following discharges of pollutants from the Facility have contained measurements of pollutants in excess of applicable NALs and EPA benchmarks. The following discharges of

pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit.

Sampling / Observation Date	Parameter	Observed Concentration / Conditions	EPA Benchmark Value / Annual NAL	Outfall (as identified by the Facility)
3/1/2018	Copper	0.93 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
3/1/2018	Copper	1.1 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
1/8/2018	Copper	1.2 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
1/8/2018	Copper	0.54 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
2017-2018 Reporting Year[2]	Copper	0.94 mg/L	0.0332 mg/L (NAL)	All Discharge Locations
1/18/2017	Copper	5.5	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
1/18/2017	Copper	1.6	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
12/8/2016	Copper	0.48	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
12/8/2016	Copper	0.48	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
2016-2017 Reporting Year[3]	Copper	1.347	0.0332 mg/L (NAL)	All Discharge Locations
3/4/2016	Copper	2.1 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A

[2] This value is represents the average of all copper measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.
[3] This value is represents the average of all copper measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

3/4/2016	Copper	1.4 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
1/29/2016	Copper	2.3 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
1/29/2016	Copper	2.4 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
11/9/2015	Copper	1.6 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
11/9/2015	Copper	3.7 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
11/2/2015	Copper	1.9 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location A
11/2/2015	Copper	3.5 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL)	Location B
2015-2016 Reporting Year[4]	Copper	2.36 mg/L	0.0332 mg/L (NAL)	All Discharge Locations
2/6/2015	Copper	2.5 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	Drainage #4 Eastern Operational Area
2/6/2015	Copper	2.2 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	Drainage #2 Future Wash Pad
2/6/2015	Copper	1.9 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	Drainage #3 Main Operational Area
10/31/2014	Copper	3.2 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	Drainage #4 Eastern Operational Area
10/31/2014	Copper	1.5 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	#1
10/31/2014	Copper	2.6 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	Drainage #2 Future Wash Pad

[4] This value is represents the average of all copper measurements taken at the Facility during the 2015-2016 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

10/31/2014	Copper	1.8 mg/L	0.0636 mg/L (Benchmark) / 0.0332 mg/L (NAL	Drainage #3 Main Operational Area
3/1/2018	Iron	2.3 mg/L	1.0 mg/L	Location A
1/8/2018	Iron	10 mg/L	1.0 mg/L	Location A
2017-2018 Reporting Year[5]	Iron	3.30 mg/L	1.0 mg/L	All Discharge Locations
1/18/2017	Iron	7.2 mg/L	1.0 mg/L	Location A
1/18/2017	Iron	1.2 mg/L	1.0 mg/L	Location B
12/15/2016	Iron	2.8 mg/L	1.0 mg/L	Location A
12/15/2016	Iron	1.2 mg/L	1.0 mg/L	Location B
2016-2017 Reporting Year[6]	Iron	2.2 mg/L	1.0 mg/L	All Discharge Locations
3/4/2016	Iron	1.3 mg/L	1.0 mg/L	Location A
1/29/2016	Iron	2 mg/L	1.0 mg/L	Location A
11/9/2015	Iron	1.4 mg/L	1.0 mg/L	Location B
11/2/2015	Iron	2.4 mg/L	1.0 mg/L	Location B
2016-2017 Reporting Year[7]	Iron	1.2 mg/L	1.0 mg/L	All Discharge Locations
10/31/2014	Iron	4.3 mg/L	1.0 mg/L	Drainage #2 Future Wash Pad
3/1/2018	Zinc	0.35 mg/L	0.26 mg/L	Location A
3/1/2018	Zinc	0.45 mg/L	0.26 mg/L	Location B
1/8/2018	Zinc	0.45 mg/L	0.26 mg/L	Location A
1/8/2018	Zinc	0.35 mg/L	0.26 mg/L	Location B
2017-2018 Reporting Year[8]	Zinc	0.4 mg/L	0.26 mg/L	All Discharge Locations
1/18/2017	Zinc	2.3 mg/L	0.26 mg/L	Location A
1/18/2017	Zinc	0.53 mg/L	0.26 mg/L	Location B
12/15/2016	Zinc	0.8 mg/L	0.26 mg/L	Location A
12/15/2016	Zinc	0.2 mg/L	0.26 mg/L	Location B
12/8/2016	Zinc	0.64 mg/L	0.26 mg/L	Location A
12/8/2016	Zinc	0.44 mg/L	0.26 mg/L	Location B

[5] This value is represents the average of all iron measurements taken at the Facility during the 2017-2018 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.
[6] This value is represents the average of all iron measurements taken at the Facility during the 2016-2017 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.
[7] This value is represents the average of all iron measurements taken at the Facility during the 2015-2016 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.
[8] This value is represents the average of all zinc measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

2016-2017 Reporting Year[9]	Zinc	0.82 mg/L	0.26 mg/L	All Discharge Locations
3/4/2016	Zinc	0.59 mg/L	0.26 mg/L	Location A
3/4/2016	Zinc	0.68 mg/L	0.26 mg/L	Location B
1/29/2016	Zinc	1 mg/L	0.26 mg/L	Location A
1/29/2016	Zinc	0.78 mg/L	0.26 mg/L	Location B
11/9/2015	Zinc	0.63 mg/L	0.26 mg/L	Location A
11/9/2015	Zinc	1.3 mg/L	0.26 mg/L	Location B
11/2/2016	Zinc	0.63 mg/L	0.26 mg/L	Location A
11/2/2016	Zinc	1 mg/L	0.26 mg/L	Location B
2015-2016 Reporting Year[10]	Zinc	0.83 mg/L	0.26 mg/L	All Discharge Locations
2/6/2015	Zinc	1.6 mg/L	0.26 mg/L	Drainage #4 Eastern Operational Area
2/6/2015	Zinc	0.4 mg/L	0.26 mg/L	#1
2/6/2015	Zinc	0.86 mg/L	0.26 mg/L	Drainage #2 Future Wash Pad
2/6/2015	Zinc	0.92 mg/L	0.26 mg/L	Drainage #3 Main Operational Area
10/31/2014	Zinc	1.2 mg/L	0.26 mg/L	Drainage #4 Eastern Operational Area
10/31/2014	Zinc	0.23 mg/L	0.26 mg/L	#1
10/31/2014	Zinc	0.89 mg/L	0.26 mg/L	Drainage #2 Future Wash Pad
10/31/2014	Zinc	0.63 mg/L	0.26 mg/L	Drainage #3 Main Operational Area

The information in the above table reflects data gathered from KKMI's self-monitoring during the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 wet seasons/reporting years. CSPA notes that KKMI's sampling results from the 2015-2016 reporting year placed the Facility in Level 1 Status pursuant to the General Permit for copper, iron, and zinc. Because the Facility's discharges of copper, iron, and zinc have not been meaningfully reduced as a result of the Facility's Level 1 Status Report, as of July 1, 2017, the Facility is now in Level 2 Status. CSPA alleges that since at least June 8, 2013, KKMI has discharged storm water contaminated

[9] This value is represents the average of all zinc measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.
[10] This value is represents the average of all zinc measurements taken at the Facility during the 2015-2016 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

with pollutants at levels that exceed the applicable NALs and EPA Benchmarks for copper, iron, and zinc.

CSPA's investigation, including its review of KKMI's SWPPP, KKMI's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards, EPA benchmark values and NALs, indicates that KKMI has not implemented BAT and BCT at the Facility for its discharges of copper, iron, zinc, and potentially other pollutants in violation of Effluent Limitation B(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit. KKMI was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, KKMI is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; Discharge Prohibitions III(C) and III(D) and Receiving Water Limitations VI(A), VI(B), and VI(C) of the 2015 Permit. CSPA alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since June 8, 2013, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that KKMI has discharged storm water containing impermissible and unauthorized levels of copper, iron, and zinc in violation of Section 301(a) of the Act as well as Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the 1997 Permit; and Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) of the 2015 Permit.[11]

Further, CSPA puts KKMI on notice that 2015 Permit Effluent Limitation V(A), Discharge Prohibitions III(B) and III(C) and Receiving Water Limitations VI(A) and VI(B) are each separate, independent requirements with which KKMI must comply, and that carrying out the iterative process triggered by exceedances of the NALs listed at Table 2 of the 2015 Permit does not amount to compliance with the 2015 Permit's Effluent Limitations, including KKMI's obligation to have installed BAT and BCT at the Facility. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State and are evidence of the Facility's failure to implement BAT and BCT, the NALs are not effluent limitations that by themselves determine whether an industrial facility has implemented BMPs that achieve BAT/BCT.[12] Finally, even though KKMI submitted an Exceedance Response Action Level 1

[11] The rain dates on the attached table are all the days when 0.1 inches or more of rain was observed from a weather station maintained by the Contra Costa Water District near Diablo Creek Golf Course located approximately 27 miles away from the Facility. The data was downloaded via http://ipm.ucanr.edu/calludt.cgi/WXSTATIONDATA?MAP=&STN=CONCORD.A (Last accessed on June 4, 2018).

[12] "The NALs are not intended to serve as technology-based or water quality-based numeric

Report in in December 2016 and an ERA Level 2 Report in January 2018 submitted pursuant to Section XII of the 2015 Permit, the violations of Effluent Limitation V(A) described in this Notice Letter are ongoing.

The above-described unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of copper, iron, and zinc, and polluted storm water associated with industrial activity in violation of Section 301(a) of the CWA. Each day that the Facility operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, KKMI is subject to penalties for violations of the General Permit and the Act since June 8, 2013.

B. Failure to Conduct Sampling and Analysis.

The 1997 Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program before industrial activities begin at a facility. *See* 1997 Permit, § B(1). The 2015 Permit includes similar monitoring and reporting requirements. *See* 2015 Permit, § XI. The primary objective of the Monitoring and Reporting Program is to both observe and to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations. An adequate Monitoring and Reporting Program therefore ensures that best management practices ("BMPs") are effectively reducing and/or eliminating pollutants at a facility, and is evaluated and revised whenever appropriate to ensure compliance with the General Permit.

Sections B(3)-(16) of the 1997 Permit set forth the monitoring and reporting requirements. As part of the Monitoring Program, all facility operators must conduct visual observations of storm water discharges and authorized non-storm water discharges, and collect and analyze samples of storm water discharges. As part of the Reporting Program, all facility operators must timely submit an Annual Report for each reporting year. The monitoring and reporting requirements of the 2015 Permit are substantially similar to those in the 1997 Permit, and in several instances more stringent.

The 1997 Permit requires dischargers to collect storm water samples from all storm water discharge locations during the first hour of discharge from the first storm event of the wet season, and at least one other storm event during the wet season, from all storm water discharge locations at a facility. *See* 1997 Permit, § B(5). The 2015 Permit now mandates that facility operators sample *four* (rather than two) storm water discharges from all discharge locations over the course of the reporting year. *See* 2015 Permit, §§ XI(B)(2), (3). Storm water discharges

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effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of themselves, violations of [the 2015] Permit." 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. *See* 2015 Permit, Section XII.

trigger the sampling requirement under the 1997 Permit when they occur during facility operating hours and are preceded by at least three working days without storm water discharge. *See* 1997 Permit, § B(5)(b). A sample must be collected from each discharge point at the facility, and in the event that an operator fails to collect samples from the first storm event, the operators must still collect samples from two other storm events and "shall explain in the Annual Report why the first storm event was not sampled." *See* 1997 Permit, § B(5)(a). Each sample much be analyzed for TSS, Oil & Grease, pH, additional parameters identified as likely to be present at a facility, and additional parameters applicable based on a facility's SIC code, among others. The Facility has repeatedly violated these monitoring requirements.

On information and belief, CSPA alleges that during the 2013-2014 wet season, KKMI failed to collect and analyze any storm water samples from the Facility. On information and belief, CSPA alleges that during the 2016-2017 reporting year, KKMI failed to collect and analyze a second storm water sample during the second half of the reporting year at any discharge location. On information and belief, CSPA alleges that during the 2017-2018 reporting year, KKMI failed to collect and analyze any storm water samples during the first half of the reporting year at any discharge location.

CSPA alleges that local precipitation data compared to dates when the Facility did collect storm water samples from both discharge locations shows that discharges occurred on several dates during the wet seasons on which the Facility was open, but the Facility did not collect and analyze samples from all discharge locations. Specifically, CSPA alleges that discharges occurred on the following dates, but a storm water sample was not taken at either discharge locations at the Facility:

- November 19, 2013
- November 20, 2013
- November 21, 2013
- December 6, 2013
- January 30, 2014
- February 5, 2014
- February 6, 2014
- February 7, 2014
- February 26, 2014
- February 28, 2014
- March 5, 2014
- March 26, 2014
- March 31, 2014
- April 1, 2014
- April 4, 2014
- April 25, 2014
- January 2, 2017
- January 3, 2017
- January 4, 2017
- January 9, 2017
- January 10, 2017
- January 12, 2017
- January 20, 2017
- January 23, 2017
- February 2, 2017
- February 3, 2017
- February 6, 2017
- February 7, 2017
- February 8, 2017
- February 9, 2017
- February 16, 2017
- February 17, 2017
- February 20, 2017
- February 21, 2017
- March 6, 2017
- March 20, 2017
- March 21, 2017
- March 22, 2017
- March 24, 2017
- April 6, 2017
- April 7, 2017
- April 17, 2017
- April 19, 2017
- October 23, 2017
- November 6, 2017
- November 8, 2017
- November 9, 2017
- November 15, 2017
- November 16, 2017

CSPA alleges that despite collecting discharges samples, KKMI failed to consistently analyze those samples for TSS and O&G. KKMI's failure to analyze the Facility's storm water discharge for O&G and TSS violates XI.B.6.a. In particular, KKMI:

- Did not analyze any samples collected at sample Location A for O&G during the 2016-2017 reporting year;
- Did not analyze the sample collected on November 2, 2015 at sample Location A for O&G;
- Did not analyze any samples collected at sample Location B for O&G during the 2017-2018 reporting year;
- Did not analyze the samples collected on March 4, 2016 or November 2, 2015 at sample Location B for O&G;
- Did not analyze the samples collected on March 4, 2016 at sample Location A or B for TSS.

Because KKMI failed to collect and analyze samples from two storm water discharges during the 2013-2014 wet season, failed to collect four storm water discharges during the 2016-2017 and 2017-2018 reporting years, and failed to analyze certain samples for O&G and TSS, KKMI has violated the General Permit's monitoring requirements.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Under the General Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, and ensuring that operators meet effluent and receiving water limitations. Section A(1) and Provision E(2) of the 1997 Permit require dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the 1997 Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. *See* 1997 Permit § A(2); 2015 Permit § X(C). These BMPs must achieve compliance with the General Permit's effluent limitations and receiving water limitations. To ensure compliance with the General Permit, the SWPPP must be evaluated and revised as necessary. 1997 Permit §§ A(9), (10); 2015 Permit § X(B). Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. 2015 Permit Factsheet § I(1).

Sections A(3)-A(10) of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of significant materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges, including structural BMPs where non-structural BMPs are not effective.

Sections X(D)–X(I) of the 2015 Permit set forth essentially the same SWPPP requirements as the 1997 Permit, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as any advanced BMPs as necessary to achieve BAT/BCT, which serve as the basis for compliance with the 2015 Permit's technology-based effluent limitations. *See* 2015 Permit § X(H). The 2015 Permit further requires a more comprehensive assessment of potential pollutant sources than the 1997 Permit; more specific BMP descriptions; and an additional BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. *See* 2015 Permit §§ X(G)(2), (4), (5).

The 2015 Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee training program, and quality assurance and record keeping. *See* 2015 Permit, § X(H)(1). Failure to implement all of these minimum BMPs is a violation of the 2015 Permit. *See* 2015 Permit Fact Sheet § I(2)(o). The 2015 Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. *See* 2015 Permit, § X(H)(2). Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the 2015 Permit. *Id.* The 2015 Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. *See* 2015 Permit § X(H)(4), (5). A Facility's BMPs must, at all times, be robust enough to meet the General Permit's and 33 U.S.C. ¶ 1342(p)(3)(A)'s requirement that all discharges associated with industrial activities be subjected to BAT and BCT. 2015 Permit §§ V(A), I(A)(1), I(D)(31), I(D)(32); 1997 Permit, Effluent Limitation B(3), Receiving Water Limitation C(3).

Dischargers must prepare "a site map that includes notes, legends, a north arrow, and other data as appropriate to ensure the map is clear, legible and understandable." 2015 Permit, ¶ X.E.1. The map must include "[t]he facility boundary, storm water drainage areas within the facility boundary, and portions of any drainage area impacted by discharges from surrounding areas." *Id.*, ¶ X.E.3.a. The map must "[i]nclude the flow direction of each drainage area, on-facility surface water bodies, areas of soil erosion, and location(s) of nearby water bodies (such as rivers, lakes, wetlands, etc.) or municipal storm drain inlets that may receive the facility's industrial storm water discharges and authorized NSWDs...." *Id.* The map must show the "[l]ocations of storm water collection and conveyance systems, associated discharge locations, and direction of flow [and] [i]nclude any sample locations if different than the identified discharge locations. *Id.*, ¶ X.E.3.b. The "[l]ocations and descriptions of structural control measures that affect industrial storm water discharges, authorized NSWDs, and/or run-on" must be depicted on the map. *Id.*, ¶ X.E.3.c. "[A]ll impervious areas of the facility, including paved areas, buildings, covered storage areas, or other roofed structures" must be identified on the map. *Id.*, ¶ X.E.3.d. The location of spills and leaks must be shown. *Id.*, ¶ X.E.3.e. Lastly, the map must identify "[a]reas of industrial activity subject to this General Permit. Identify all industrial

storage areas and storage tanks, shipping and receiving areas, fueling areas, vehicle and equipment storage/maintenance areas, material handling and processing areas, waste treatment and disposal areas, dust or particulate generating areas, cleaning and material reuse areas, and other areas of industrial activity that may have potential pollutant sources. *Id.*, ¶ X.E.3.f.

Despite these clear SWPPP requirements, KKMI has been conducting and continues to conduct industrial operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP.

KKMI's SWPPP map is both unclear and deficient, and is therefore inconsistent with Section X(E) of the 2015 Permit. The SWPPP map fails to depict the flow direction of each of the Facility's storm water drainage areas in violation of Section X(E)(3)(a) of the 2015 Permit. The SWPPP map also fails to depict the locations of all storm water conveyance systems, associated discharge locations, and direction of flow at the Facility in violation of Section X.E.3.b of the 2015 Permit.

The SWPPP map also fails to identify where at the Facility industrial activities take place in violation of Section X.E.3.f of the 2015 Permit. The Facility's SWPPP identifies onsite processes and materials as including painting, paint removal, sanding, engine maintenance and repair, hull welding and grinding, hull repair an joinery, bilge cleaning, and fuel and lubrication repair and replacement. The Facility SWPPP map does not depict where any of these industrial activities take place.

The Facility's SWPPP fails to comply with the requirements of Section X(G)(2) of the 2015 Permit. KKMI has failed to identify where the minimum BMPs in different areas of the Facility will not adequately reduce the pollutants in the Facility's storm water dischargers and to identify advanced BMPs for those areas.

The Facility's SWPPP fails to comply with the requirements of Section X(H) of the 2015 Permit. The SWPPP fails to implement advanced BMPs meeting the BAT and BCT standards and fails to adequately reduce the pollutants resulting from the Facility's industrial activities.

Relatedly, the Facility's storm water samples and discharge observations have consistently exceeded EPA benchmarks and NALs, demonstrating the failure of its BMPs to reduce or prevent pollutants associated with industrial activities in the Facility's discharges consistent with the BAT and BCT requirements. Despite these exceedances, KKMI has failed to sufficiently update the Facility's SWPPP. The Facility's SWPPP has therefore never achieved the General Permit's objective to identify and implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges consistent with reductions achieved by implementing BAT and BCT at the Facility.

CSPA puts KKMI on notice that it violates the General Permit and the CWA every day that the Facility operates with an inadequately developed, implemented, and/or revised SWPPP. These violations are ongoing, and CSPA will include additional violations as information and

data become available. KKMI is subject to civil penalties for all violations of the CWA occurring since June 8, 2013.

D. Failure to Comply with 2015 Permit Evaluation and ERA Requirements.

On or about December 12, 2016, KKMI submitted an "Exceedance Response Action Level 1 Evaluation and Report" to the State Board's SMARTs system. The ERA Report and Level One status are triggered by exceedances of the NALs adopted in the 2015 General Permits. The ERA Level One report must, among other requirements, "[i]dentify in the evaluation the corresponding BMPs in the SWPPP and any additional BMPs and SWPPP revisions necessary to prevent future NAL exceedances and to comply with the requirements of this General Permit." 2015 Permit, § VII.C.1.c.

On or about January 11, 2018, KKMI submitted a "Level 2 Exceedance Response Action Plan" to the State Board's SMARTs system. The ERA Report and Level Two status are triggered by exceedances of the NALs adopted in the 2015 General Permits. In order to return to baseline status from Level Two status, KKMI must have "implemented BMPs to prevent future NAL exceedance(s)." 2015 Permit Section XII.D.4.a.

KKMI's ERA Level 1 report addresses the Facility's exceedance of the annual NAL for copper of 0.0332 mg/L, for iron of 1 mg/L, and for zinc of 0.26 mg/L during the 2015-2016 reporting year. KKMI's ERA Level 2 Action Plan addresses the Facility's ongoing exceedance of the annual NALs for copper, iron, and zinc during the 2016-2017 reporting year.

Although the Level One and Two ERA Action Plans address copper, iron, and zinc, KKMI failed to identify BMPs necessary to prevent future NAL exceedances or to comply with the BAT/BCT requirement of the Permit. The measures identified in the ERA could not achieve, and indeed did not achieve, the applicable NAL for copper, iron, or zinc.

Although "[i]t is not a violation of this General Permit to exceed the NAL values; it is a violation of the permit, however, to fail to comply with the Level 1 status and Level 2 status ERA requirements in the event of NAL exceedances." Fact Sheet, p. 60. Accordingly, CSPA puts KKMI on notice that it has violated and continues to violate the General Permit and the CWA every day that the Facility operates without adequate Level 1 ERA Reports and an adequate Level 2 Action Plan for copper, iron, and zinc. These violations are ongoing. KKMI is subject to civil penalties for each day it has failed to submit adequate Level 1 ERA Reports and a Level 2 ERA Action Plan.

III. Persons Responsible for the Violations.

CSPA puts Keefe Kaplan Maritime, Inc., Paul Kaplan, Kenneth Keefe, Janis Johnson, and Bob Hennessey on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts Keefe Kaplan Maritime, Inc., Paul Kaplan, Kenneth

Keefe, Janis Johnson, and Bob Hennessey on notice that it intends to include those subsequently identified persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CSPA is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance,
3536 Rainier Avenue,
Stockton, CA 95204
Tel. (209) 464-5067

V. Counsel.

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

Rebecca L. Davis
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rebecca@lozeaudrury.com
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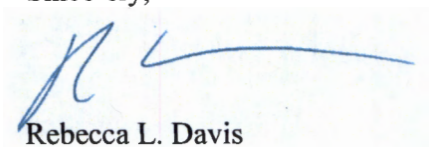
VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects KKMI to a penalty of up to $37,500 per day per violation for all violations occurring since December 15, 2012, up to and including November 2, 2015, and up to $51,570 for violations occurring after November 2, 2015. In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CSPA intends to file a citizen suit under Section 505(a) of the Act against KKMI and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CSPA would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CSPA suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CSPA does not intend

to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



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Bruce H. Wolfe, Executive Officer II
San Francisco Regional Water Quality Control Board
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Oakland, CA 94612

ATTACHMENT A

Rain Dates, Keefe Kaplan Maritime, Inc., Concord, CA

	4/24/2015	4/9/2016
11/19/2013	4/25/2015	4/10/2016
11/20/2013	5/14/2015	9/2/2016
11/21/2013	6/10/2015	10/16/2016
12/6/2013	11/1/2015	10/17/2016
1/30/2014	11/2/2015	10/27/2016
2/2/2014	11/9/2015	10/28/2016
2/5/2014	11/15/2015	10/30/2016
2/6/2014	12/3/2015	11/20/2016
2/7/2014	12/10/2015	11/23/2016
2/8/2014	12/11/2015	11/26/2016
2/9/2014	12/13/2015	11/27/2016
2/26/2014	12/18/2015	12/7/2016
2/28/2014	12/20/2015	12/8/2016
3/5/2014	12/21/2015	12/10/2016
3/26/2014	12/28/2015	12/12/2016
3/29/2014	12/29/2015	12/15/2016
3/31/2014	1/4/2016	12/23/2016
4/1/2014	1/5/2016	1/2/2017
4/4/2014	1/6/2016	1/3/2017
4/25/2014	1/10/2016	1/4/2017
9/25/2014	1/13/2016	1/7/2017
10/25/2014	1/14/2016	1/8/2017
10/31/2014	1/15/2016	1/9/2017
11/13/2014	1/16/2016	1/10/2017
11/19/2014	1/17/2016	1/12/2017
11/20/2014	1/18/2016	1/18/2017
11/26/2014	1/19/2016	1/20/2017
11/30/2014	1/22/2016	1/21/2017
12/2/2014	1/29/2016	1/22/2017
12/3/2014	2/17/2016	1/23/2017
12/6/2014	2/18/2016	2/2/2017
12/11/2014	3/4/2016	2/3/2017
12/12/2014	3/5/2016	2/5/2017
12/15/2014	3/6/2016	2/6/2017
12/16/2014	3/7/2016	2/7/2017
12/17/2014	3/9/2016	2/8/2017
12/19/2014	3/10/2016	2/9/2017
2/6/2015	3/11/2016	2/16/2017
2/7/2015	3/12/2016	2/17/2017
2/8/2015	3/13/2016	2/19/2017
4/7/2015	4/8/2016	2/20/2017

ATTACHMENT A

Rain Dates, Keefe Kaplan Maritime, Inc., Concord, CA

2/21/2017
3/5/2017
3/6/2017
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